

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 8:03-CR-77-T-30TBM

HATEM NAJI FARIZ

**MOTION FOR EXTENSION TO FILE MEMORANDUM IN SUPPORT OF
FISA SUPPRESSION MOTION WITH RESPECT TO
CONSTITUTIONAL ARGUMENTS**

Defendant, Hatem Naji Fariz, by and through undersigned counsel, and pursuant to Federal Rule of Criminal Procedure 45(b), respectfully requests that this Honorable Court grant an extension of time, up to and including Wednesday, November 24, 2004, to file a memorandum in support of Mr. Fariz's motion to suppress the fruits of electronic surveillance conducted pursuant to the Foreign Intelligence Surveillance Act ("FISA"), with respect to Mr. Fariz's constitutional challenges. As grounds in support, Mr. Fariz states:

1. On November 22, 2004, Mr. Fariz submitted his Motion for Disclosure of Materials Related to Surveillance Pursuant to FISA and for Suppression of the Fruits of All Surveillance Conducted under FISA and Memorandum of Law in Support. This motion and memorandum addresses Mr. Fariz's statutory grounds for suppression of the FISA intercepts, as well as the constitutional and statutory grounds for the disclosure of the FISA applications, orders, and other materials.

2. Mr. Fariz also seeks to suppress the FISA electronic surveillance based on violations of the U.S. Constitution. While undersigned counsel has worked diligently to meet this Court's deadline, Mr. Fariz would respectfully request two additional business days, or through November 24, 2004, to submit a memorandum that thoroughly addresses the complicated constitutional issues in order to ensure an effective presentation.

WHEREFORE, Defendant, Hatem Naji Fariz, respectfully requests an extension of time, up to and including November 24, 2004, to file a memorandum briefing Mr. Fariz's constitutional grounds for suppressing the FISA electronic surveillance.

Respectfully submitted,

R. FLETCHER PEACOCK
FEDERAL PUBLIC DEFENDER

/s/ M. Allison Guagliardo
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of November, 2004, a true and correct copy of the foregoing has been furnished by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Cherie L. Krigsman, Trial Attorney, U.S. Department of Justice; William Moffitt and Linda Moreno, counsel for Sami Amin Al-Arian; Bruce Howie, counsel for Ghassan Ballut; and to Stephen N. Bernstein, counsel for Sameeh Hammoudeh.

/s/ M. Allison Guagliardo
M. Allison Guagliardo
Assistant Federal Public Defender